

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ORDER

This closed file comes before the Court on plaintiffs' *pro se* Motion for Recusal (doc. 43), in which they contend that the undersigned is biased against them. The Court need not and cannot reach the merits of plaintiffs' request for the simple reason that there is no active case or controversy pending before it. This action was terminated nine months ago, when plaintiffs' claims were dismissed without prejudice via Order (doc. 26) dated August 5, 2004. Plaintiffs' subsequent request for reconsideration was rejected in October 2004, and their appeal to the Eleventh Circuit Court of Appeals was denied three months ago, on February 9, 2005. This lawsuit having long been concluded, there is no active, pending litigation to which plaintiffs' Motion could possibly apply. The Motion for Recusal is therefore **moot**.

DONE and ORDERED this 9th day of May, 2005.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE